

Message Text

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ACTION IO-10

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UNCLAS SECTION 1 OF 2 GENEVA 1006

E.O. 11652: NA

TAGS: ECOSOC,SHUM

SUBJECT: HUMAN RIGHTS COMMISSION - DRAFT RESOLUTIONS ON
ISRAELI-OCCUPIED AREAS

TRANSMITTED BELOW ARE PRELIMINARY TEXTS OF DRAFT
RESES TO BE SUBMITTED IN CONNECTION WITH HRC AGENDA ITEM
4 (HUMAN RIGHTS VIOLATIONS MIDDLE EAST OCCUPIED AREA).
WE UNDERSTAND EGYPT BASIC DRAFTER IN BOTH INSTANCES.
DISCUSSION THIS ITEM SCHEDULED TO BEGIN FEBRUARY 14
BUT THIS WILL MOST LIKELY SLIP TO FEBRUARY 17 AT EARLIEST.

A. QTE. THE COMMISSION ON HUMAN RIGHTS
HAVING LEARNED WITH EXTEREM SORROW AND INDIGNATION
THE SENTENCE OF ARCHBISHIP HILLARION CAPUCCI, ARCHBISHOP
OF THE GREEK CATHOLIC CHURCH IN THE OCCUPIED ARAB
WEST BANK TO 12 YEARS IMPRISONMENT,

GUIDED BY THE PRINCIPLES EMBODIED IN THE UNIVERSAL
DECLARATION OF HUMAN RIGHTS,

1. DEPLORES THE POLICIES AND PRACTICES OF DESECRA-
TION OF MOSLEM AND CHRISTIAN SHRINES, DISRESPECT AND
ILL-TREATMENT OF RELIGIOUS LEADERS AND VIOLATIONS OF
RITES OF WORSHIP IN THE ARAB TERRITORIES OCCUPIED
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BY ISRAEL,

2. EXPRESSES GRAVE CONCERN FOR THE ILL-TREATMENT
AND FOR THE ARBITRARY SENTENCE INFLICTED UPON THE
ARCHBISHOP OF THE GREEK CATHOLIC CHURCH IN THE
OCCUPIED WEST BANK WHICH WAS CONDEMNED BY WORLD
PUBLIC OPINION,

3. CALLS UPON ISRAEL TO ENSURE FREEDOM OF WORSHIP
AND TO RESPECT RELIGIOUS SHRINES AND TO SCRUPULOUSLY
ACCORD THE ESTEEM, REGARD, AND PROTECTION DUE TO THE
RELIGIOUS LEADERS IN ACCORDANCE WITH THE ESTABLISHED
TRADITIONS IN THE REGION PARTICULARLY IN THE HOLY CITY
OF JERUSALEM WHICH HAVE BEEN FULLY RESPECTED BY ALL
AUTHORITIES THROUGHOUT THE CENTURIES,

4. DEMANDS THE IMMEDIATE RELEASE OF ARCHBISHOP
CAPUCCI. END QTE.

B. QTE. THE COMMISSION ON HUMAN RIGHTS'
GUIDED BY THE PRINCIPLES AND PURPOSES OF THE
CHARTER OF THE UNITED NATIONS, AS WELL AS THE PRINCIPLES
AND PROVISIONS OF THE UNIVERSAL DECLARATION OF
HUMAN RIGHTS AND THE PROVISIONS OF THE GENEVA
CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN
PERSONS IN TIME OF WAR, OF 12 AUGUST 1949,

RECALLING THE PERTINENT UNITED NATIONS RESOLUTIONS
ON THE SITUATION IN THE OCCUPIED TERRITORIES AND THE
PROTECTION OF HUMAN RIGHTS AND THE FUNDAMENTAL FREEDOMS
OF THE INHABITANTS OF THE OCCUPIED ARAB TERRITORIES
AND IN PARTICULAR GENERAL ASSEMBLY RESOLUTIONS 3236
(XXIX), 33240 (XXIX) AND 3336 (XXIX),

TAKING INTO ACCOUNT THAT THE GENERAL ASSEMBLY
HAS REAFFIRMED IN RESOLUTION 3236 (XXIX) THE INALIEN-
ABLE RIGHTS OF THE PALESTINIAN PEOPLE IN PALESTINE
INCLUDING:

- A) THE RIGHT TO SELF-DETERMINATION WITHOUT
EXTERNAL INTERFERENCE
- B) THE RIGHT TO NATIONAL INDEPENDENCE AND
SOVEREIGNTY

TAKING NOTE OF THE REPORTS OF THE UNITED NATIONS
AND OTHER INTERNATIONAL HUMANITARIAN ORGANIZATIONS ON
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THE SITUATION OF THE OCCUPIED ARAB TERRITORIES AND
THEIR INHABITANTS AND IN PARTICULAR THE REPORT OF
THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICES
AFFECTING HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED
TERRITORIES CONTAINED IN TD/CN.4/1981/7,

GREATLY ALARMED BY THE CONTINUATION OF THE
VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
BY ISRAEL IN THE OCCUPIED ARAB TERRITORIES, IN PARTI-

CULAR THE CONTINUED OCCUPATION OF THESE TERRITORIES AND THE MEASURES AIMING AT ANNEXATION AS WELL AS THE PERSEVERANCE OF THE DESTRUCTION OF HOUSES, EXPROPRIATION OF ARAB PROPERTIES AND ILL-TREATMENT OF PRISONERS,

DEEPLY CONCERNED OVER ISRAEL'S PERSISTENCE IN ESTABLISHING SETTLEMENTS IN THE OCCUPIED ARAB TERRITORIES, IMPLEMENTING MASSIVE PROGRAMMES OF IMMIGRATION, CONTINUING THE DEPORTATION AND TRANSFER OF THE INDIGENOUS POPULATION AND REFUSING THEIR RETURN,

RECALLING ALSO RESOLUTION (8/) ADOPTED BY THE GENERAL CONFERENCE OF THE INTERNATIONAL LABOR OFFICE IN 1974 WHICH DECLARED THAT ANY MILITARY OCCUPATION OF TERRITORY CONSTITUTES IN ITSELF A PERMANENT VIOLATION OF BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND IN PARTICULAR OF TRADE UNION AND SOCIAL RIGHTS,

NOTING THE SPECIAL COMMITTEE TO INVESTIGATE ISRAELI PRACTICE AFFECTING THE HUMAN RIGHTS OF THE POPULATION OF THE OCCUPIED ARAB TERRITORIES' CONCLUSION THAT THE ISRAELI OCCUPYING FORCES WERE RESPONSIBLE FOR THE DELIBERATE AND TOTAL DESTRUCTION OF QUNEITRA IN VIOLATION OF ARTICLE 53 OF THE GENEVA CONVENTION OF AUGUST 12, 1949, AND UNDER ARTICLE 147 THEREOF,

SERIOUSLY CONCERNED THAT THE POPULATION OF THE OCCUPIED ARAB TERRITORIES ARE NOT ENJOYING THEIR INALIENABLE RIGHTS TO NATIONAL EDUCATION AND CULTURAL LIFE WHICH HINDERS THE EXERCISE OF THESE RIGHTS,

TAKING INTO CONSIDERATION THAT THE GENERAL ASSEMBLY HAS ADOPTED RESOLUTION 3314 (XXIX) WHICH QUALIFIES AS AN ACT OF AGGRESSION THE INVASION OR ATTACK BY THE ARMED FORCES OF A STATE OF THE TERRITORY OF ANOTHER STATE, OR ANY MILITARY OCCUPATION HOWEVER TEMPORARY, UNCLASSIFIED

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RESULTING FROM SUCH INVASION OR ATTACK, OR ANY ANNEXATION BY THE USE OF FORCE OF THE TERRITORY OF

ANOTHER STATE OR PART THEREOF,

1. DEPLORES ISRAEL'S CONTINUED GRAVE VIOLATIONS, IN THE OCCUPIED ARAB TERRITORIES, OF THE BASIC NORMS OF INTERNATIONAL LAW, OF THE RELEVANT INTERNATIONAL CONVENTIONS AND IN PARTICULAR THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR, OF 12 AUGUST 1949, WHICH HAVE BEEN CONSIDERED BY THE COMMISSION ON HUMAN RIGHTS AS WAR CRIMES AND AN AFFRONT TO HUMANITY AS WELL AS ITS PERSISTENT DEFIANCE OF THE RELEVANT RESOLUTIONS OF THE UNITED NATIONS AND ITS CONTINUED POLICY OF

VIOLATING THE BASIC HUMAN RIGHTS OF THE INHABITANTS
OF THE OCCUPIED ARAB TERRITORIES;

2. REAFFIRMS THE INALIENABLE RIGHT OF THE ARAB
PEOPLE TO RETURN TO THEIR HOMES AND PROPERTY FROM
WHICH THEY HAVE BEEN DISPLACED AND UPROOTED AND CALLS
FOR THEIR RETURN,

3. REAFFIRMS ALSO THAT ISRAEL'S POLICY OF
SETTLING PARTS OF ITS POPULATION AND NEW IMMIGRANTS
IN THE OCCUPIED TERRITORIES IS A FLAGRANT VIOLATION
OF THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF
CIVILIAN PERSONS IN TIME OF WAR AND OF THE UNITED NATIONS
RESOLUTIONS, CALLS UPON ISRAEL TO DESIST FROM SUCH
POLICY AND URGES ALL STATES TO REFRAIN FROM ANY ACTION
WHICH ISRAEL WILL EXPLOIT IN CARRYING OUT ITS POLICY
OF COLONIZING THE OCCUPIED TERRITORIES;

4. REAFFIRMS FURTHER THAT ALL MEASURES TAKEN
BY ISRAEL TO EXPLOIT THE HUMAN NATURAL AND ALL OTHER
RESOURCES AND WEALTH OF THE OCCUPIED ARAB TERRITORIES
INFRINGE UPON THE PERMANENT SOVEREIGNTY OF THE ARAB
PEOPLE OVER THEIR NATURAL RESOURCES AND CALLS UPON
ISRAEL IMMEDIATELY TO RESCIND ALL SUCH MEASURES AND
TO COMPENSATE AND RESTITUTE FULLY THE EXPLOITATION,
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AND DEPLETION OF THEIR HUMAN AND NATURAL RESOURCES;

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INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

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5. REAFFIRMS THAT MILITARY OCCUPATION OF
TERRITORY CONSTITUTES A GRAVE THREAT TO INTERNATIONAL
PEACE AND SECURITY AND IS IN ITSELF A PERMANENT
VIOLATION OF THE UNITED NATIONS CHARTER AND OF THE
UNIVERSAL DECLARATION OF HUMAN RIGHTS;

6. DECLARES THAT ISRAEL'S POLICY OF ANNEXATION,
ESTABLISHMENT OF SETTLEMENTS AND TRANSFER OF AN ALIEN
POPULATION TO THE OCCUPIED TERRITORIES IS IN CONTRA-
VENTION OF THE PURPOSES AND PRINCIPLES OF THE CHARTER
OF THE UNITED NATIONS, THE PRINCIPLES AND PROVISIONS
OF INTERNATIONAL LAW, THE PRINCIPLE OF SOVEREIGNTY
AND TERRITORIAL INTEGRITY AND THE BASIC HUMAN RIGHTS
AND FUNDAMENTAL FREEDOMS OF THE PEOPLE;

7. FURTHER DECLARES THAT ALL MEASURES TAKEN BY
ISRAEL TO CHANGE THE PHYSICAL CHARACTER, THE DEMOGRAPHIC
STRUCTURE AND THE STATUS OF OCCUPIED ARAB TERRITORIES
ARE NULL AND VOID;

8. CENSURES IN THE STRONGEST TERMS ALL MEASURES
TAKEN BY ISRAEL TO CHANGE THE STATUS OF JERUSALEM;

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9. CONDEMNS ISRAEL FOR ITS DELIBERATE DESTRUCTION
AND DEVASTATION OF THE TOWN OF QUNEITRA AND
CONSIDERS THESE ACTS AS A GRAVE BREACH OF THE GENEVA
CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN
PERSONS IN TIME OF WAR, OF 12 AUGUST 1949;

10. CALLS UPON ISRAEL ONCE MORE TO COMPLY WITH
ITS OBLIGATIONS UNDER THE CHARTER OF THE UNITED NATIONS
AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS TO
ACKNOWLEDGE AND ABIDE BY ITS
OBLIGATIONS UNDER THE GENEVA CONVENTION RELATIVE
TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR
AND TO IMPLEMENT ALL THE RELEVANT UNITED NATIONS
RESOLUTIONS;

11. CALLS UPON ALL STATES TO DO THEIR UTMOST TO

ENSURE THAT ISRAEL RESPECTS THE PROVISIONS OF THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR AND IT DESISTS FROM ALL ACTS AND POLICIES AIMED AT COLONIZING AND CHANGING THE PHYSICAL CHARACTER AND DEMOGRAPHIC COMPOSITION OF THE OCCUPIED ARAB TERRITORIES, PARTICULARLY THROUGH THE ESTABLISHMENT OF SETTLEMENTS AND THE DEPORTATION AND TRANSFER OF THE INDIGENOUS INHABITANTS;

12. REQUESTS THE SECRETARY GENERAL TO BRING THE PRESENT RESOLUTIONS TO THE ATTENTION OF ALL GOVERNMENTS, THE COMPETENT UNITED NATIONS ORGANS, SPECIALIZED AGENCIES AND REGIONAL INTERGOVERNMENTAL ORGANIZATIONS AND TO GIVE IT THE WIDEST POSSIBLE PUBLICITY AND TO REPORT TO THE COMMISSION ON HUMAN RIGHTS AT ITS NEXT SESSION;

13. DECIDES TO PLACE ON THE PROVISIONAL AGENDA OF ITS THIRTY-FIRST SESSION, A MATTER OF HIGH PRIORITY, THE ITEM ENTITLED "QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE TERRITORIES OCCUPIED AS A RESULT OF HOSTILITIES IN THE MIDDLE EAST." END QTE.
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